

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Lester Ludwig, *et al.* **Confirmation No.:** 8319
Serial No.: 10/722,051 **Art Unit:** 2153
Filed: November 26, 2003 **Examiner:** Strange, Aaron N.
For: *System for Real-Time
Communication Between
Plural Users* **Attorney Docket No.:** 063330-5008-US

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, hereby provided is information in compliance with 37 C.F.R. 1.97 and 1.98 that the Examiner may consider material to the examination of the subject U.S. patent application. The Examiner is requested to make this information of record.

This Information Disclosure Statement is not in support of the petition for accelerated examination submitted in the subject patent application.

1. Enclosures accompanying this Information Disclosure Statement are:
 - 1a. A list of all patents, publications, applications, or other information submitted for consideration by the office.
 - 1b. A legible copy of:
 - Certain U.S. patent application publication and U.S. and foreign patent listed on the PTO-1449;
 - Certain publications or portions thereof listed on the PTO-1449;
 - For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or portion of the application which caused it to be listed on the PTO-1449 including any claims directed to that portion;
 - All other information or portion which caused it to be listed on the PTO-1449.
 - 1c. An English language copy of search report(s) from a counterpart foreign application or PCT International Search Report.
 - 1d. Explanations of relevancy or English language abstracts of the non-English language publications.

2. This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b):

- Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);
- Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
- Before the mailing of the first Office action on the merits;
- Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.

3. This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the period specified in 37 C.F.R. §1.97(b), but before the mailing date of any of a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that otherwise closes prosecution in the application.

(Check either Item 3a or 3b)

3a. The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.

3b. The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:

- Enclosed
- To be charged to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (order no.).

(Item 3b to be checked if any reference known for more than 3 months)

4. This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the period specified in 37 C.F.R. §1.97(c), but on or before the date of payment of the issue fee.

(Check either Item 4a or 4b)

4a. The Certification Statement in Item 5 below is applicable.

4b. The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:

- Enclosed
- To be charged to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (order no.).

5. Certification Statement (applicable if Item 3a or Item 4a is checked)

(Check either Item 5a, 5b or 5c)

5a. In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

5b. In accordance with 37 C.F.R. §1.97(e)(2), it is certified that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application,

and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

5c. Pursuant to 37 C.F.R. §1.704(d), each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.

6. Copies of each cited U.S. patent and each U.S. patent application publication are not enclosed pursuant to the USPTO OG Notice dated 05 August 2003 waiving the requirement under 37 C.F.R. 1.98(a)(2)(i) for U.S. patent applications filed after June 30, 2003.

7. This application is a continuation application under 37 C.F.R. §1.53(b) or (d).

(Check appropriate Items 7a, 7b and/or 7c)

7a. A Petition to Withdraw from issue under 37 C.F.R. §1.313(b)(5) is concurrently filed herewith.

7b. Copies of publications listed on Form PTO-1449 in prior application Serial No. _____ filed on _____, or in any other prior filed patent and/or application from which this application claims priority under 35 U.S.C. §120, are not being submitted pursuant to 37 C.F.R. §1.98(d). The publications listed on Form PTO-1449 that are NOT being submitted herewith are indicated with an "X" in the Form PTO-1499's column headed "Prev. Sub."

7c. Copies of the publications listed on Form PTO-1449 that were not previously cited in prior application Serial No. No. _____ filed on _____, or in any other prior filed patents and applications from which this application claims priority under 35 U.S.C. §120 are provided herewith.

8. This is a Supplemental Information Disclosure Statement. (Check Item 8a).

8a. This Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(f) supplements the Information Disclosure Statement filed on January 10, 2008.

9. In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:

(Check Item 9a, 9b, or 9c)

9a. satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.

9b. set forth in the application.

9c. enclosed as an attachment hereto.

10. The Commissioner has been authorized through the electronic filing system to charge any additional fees or credit any overpayment for this Information Disclosure

Statement to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (order no. 063330-5008-US).

11. No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than a search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§1.97(g) and (h).

Respectfully submitted,

Date: April 24, 2008

37,078

(Reg. No.)


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